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STATE ELECTION COMMISSION, PUNJAB

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NOTIFICATION

The 17th June, 2026

No. SEC/SAP/ET/2026/1026.- In pursuance of the provisions of Section 93 of the Punjab State Election Commission Act, 1994, the State Election Commission hereby notifies the order of the Election Tribunal, Zira, Distt. Ferozepur for general information.

IN THE COURT OF SUB DIVISIONAL MAGISTRATE CUM ELECTION TRIBUNAL AT FEROZEPUR, PUNJAB

ELECTION PETITION NO.37/EP
Date of Decision: 08.01.2026

1. Gurwinder Kaur aged about 34 years wife of Jagdish Singh, resident of Village Saidanwala, Ferozepur, Punjab-152004,(Candidate for the post of Sarpanch).(Aadhar Card. 289028755899 Mob.98553-01743).

2. Tarlochan Singh aged about 43 years, son of Surinder Pal, resident of Village Saidanwala, Ferozepur, Punjab-152004,(Candidate for the post of Member/Panch).(Aadhar Card. 773823466558 Mob.98553-01743).

3. Nirmal Singh aged about 43 years, son of Surjit Singh, resident of Village Saidanwala, Ferozepur, Punjab-152004,(Candidate for the post of Member/Panch).(Aadhar Card. 844731930588 Mob.98553-01743).

4.Saraj Singh aged about 49 years, son of Surjit Singh, resident of Village Saidanwala, Ferozepur, Punjab-152004,(Candidate for the post of Member/Panch).(Aadhar Card, 976031776673 Mob.98553-01743).

5. Charanjit Kaur aged about 41 years, wife of Lakkbir Singh, resident of Village Saidanwala, Ferozepur, Punjab-152004(Candidate for the post of Member/Panch).(Aadhar Card. 717221485137 Mob.98553-01743).

6. Lakhwinder Kaur aged about 33 years, wife of Gurjit Singh, resident of Village Saidanwala, Ferozepur, Punjab-152004.(Candidate for the post of Member/Panch).(Aadhar Card. 497172912070 Mob.98553-01743).

7. Jasleen Kaur Thind aged 32 years wife of Jatinder Singh Thind, resident of Village Saidanwala, Ferozepur, Punjab-152004, (Candidate for the post of Member/Panch).(Aadhar Card. 5726 5770 6452 Mob.7837889195).

Petitioners

Versus

1. State of Punjab, through Secretary, Punjab State Election Commission.

2. State Election Commission, Punjab through its Secretary, State Election Commission, Punjab.

3. District Election Officer, District Ferozepur, Punjab.

4. District Magistrate, District Ferzoepur, Punjab.

5. Gurmeet Kaur wife of Karnail Singh, resident of Village Saidanwala Post Office Saidanwala, ferzoepur, Punjab-152004. (Declared Sarpanch, Village SaidanWala, District Ferozepur, Punjab.)

6.Arvinder Singh, Principal GSSS Noorpur Sethan, Returning officer, Block Ghall Khurd, village Saidanwala, Dsitrict Ferozepur, Punjab.

Respondents.

Election Petition

Present: Shri Ranjeet Singh & Davinder Singh, Advocates for the petitioners

Respondent no.5 in person

Respondent no.6 in person

ORDER

1. In the present petition, the petitioners have challenged the election of respondent no.5 as Sarpanch of the village Saidan Wala, Ferozepur. The petitioners also challenged the impugned order passed by the Respondent No. 6 whereby, the nomination papers of the petitioner(s) for contesting the elections as Sarpanch and Member of Gram Panchayat Village Saidan have been rejected by the authorities concerned on the ground that the said order is factually incorrect and is liable to be set aside and the petitioner(s) be treated as eligible candidates to contest the Gram Panchayat Election and further during the pendency of the present petition any order or direction be issued to not to release any funds or any amount to the present alleged village sarpanch of Saidan Wala, Ferozepur, Punjab in the interest of justice.

The brief facts as pleaded by the petitioners are that the elections for the post of Sarpanch of Village Saidan Wala were scheduled to be held on 16th October 2024, as per the notification issued by the State Election Commission of Punjab. The petitioners had submitted their nomination for the post of Sarpanch and Panches for the said village, in accordance with the provisions of the Punjab Panchayat Election Rules, 1994 (hereinafter referred to as "the Rules"). It was further pleaded that the petitioners fulfill all the eligibility criteria as mandated under the Punjab Panchayat Act, 1994 (hereinafter referred to as "the Act") and the Constitution of India. It was also pleaded that the petitioners were earlier unanimously supported by the local village members and was duly recommended for the post of Sarpanch and Panches by MLA Mr. Rajnish Dhaiya, thereby reflecting the will and consent of the village community towards their leadership. It was further pleaded that despite meeting all statutory requirements, the petitioner's nomination has been arbitrarily and unjustly rejected by the local administration without providing any valid reasons or justification and this rejection is violative of the petitioner's 'fundamental rights enshrined under Articles 14, 19(1)(g), and 21 of the Constitution of India.

The petitioners further stated that no show-cause notice or any communication was issued by the respondents explaining the grounds for the rejection of their candidature, which is in blatant violation of the principles of natural justice and procedural fairness. It was also claimed that the lack of transparency in this

decision-making process is in clear contravention of settled legal precedents, including the judgment of the Hon'ble Supreme Court in Maneka Gandhi v. Union of India, AIR 1978 SC 597, which established that arbitrary actions of the State must be struck down if they fail to meet the requirement of reasonableness under Article 14. It was also pleaded that as per Section 6 of the Punjab Panchayat Act, 1994, any person who is a resident of the village, aged 21 years or more, and who is not disqualified under any of the provisions of the Act, is eligible to contest the election for the post of Sarpanch and the petitioners meet all these conditions and are, therefore, eligible to contest. It was also pleaded that the rejection of the petitioner's nomination amounts to an arbitrary exercise of power by the respondents and violates the right to equal opportunity in the democratic process. The petitioners placed on reliance in the case of Kumari Shrilekha Vidyarthi v. State of U.P., AIR 1991 SC 537, decided by the Supreme Court in which it has been held that arbitrariness is anathema to the rule of law, and any action taken by a public authority must be based on sound reasoning and fairness. The petitioners further pleaded that the elections for the post of Sarpanch of Village Saindan wala are imminent, and the petitioner's exclusion from the electoral process, without any valid basis, has caused irreparable harm to their right to contest the election and their reputation within the village community. It was also pleaded that the petitioners have a legitimate expectation of being considered as a candidate, especially when their prior election as Sarpanch was endorsed by the local MLA and the village community. It was also claimed that the petitioners after rejection of their nomination papers approached the concerned authorities to look into the matter but nothing was done, therefore they moved a detailed representation to the concerned authorities but to no avail. The copy of the representation dated 08.10.2024 has also been placed on record by the petitioners. The petitioners also pleaded that when no action was taken on the representation moved by the petitioners, they approached the Hon'ble Punjab and Haryana High Court vide CWP-26923-2024, which was dismissed on 14.10.2024 by the Hon'ble Punjab and Haryana High. It was also claimed that subsequently matter went to the Hon'ble Supreme Court of India and in the meantime the petitioners moved the Hon'ble Punjab and Haryana High Court vide CWP-PIL-250-2024, which was disposed of by the Hon'ble High court vide order dated 12.11.2024. The petitioners further pleaded that as per the facts laid down in CWP-PIL-250-2024, during the nomination verification process for the election of Sarpanch, all nominations were rejected except that of Respondent No. 5. It was also pleaded that consequently, in terms of Section 54(2) of the Punjab State Election Commission Act, 1994, Respondent No. 5 was declared elected unopposed, and no polling was conducted. It was also claimed that the rejection of other nominations without sufficient explanation or transparent verification violates the democratic principles and fairness of the election process.

During the pendency of the petition, an application was presented by the petitioner's counsel to implead the R.O. (Returning Officer) as party number 6, which was accepted and the R.O. appeared in person. A reply to the said application was also submitted by respondent number 5, a copy of which was given to the petitioner’s side. Subsequently, on April 23, 2025, a Power of Attorney (Vakalatnama) was submitted by counsel Shri Satnam Pal Kamboj on behalf of Returning Officer, Respondent number 6.

PLEA OF RESPONDENT NO.6

On Aug 21, 2025, a reply was submitted by respondent number 6, stating that the election was conducted in a fair and impartial manner and the nomination papers of the petitioners were rightly rejected as the same contravened the provisions of the Punjab Election Commission Act.

On Oct 09, 2025, the petitioner’s side recorded statements regarding not filing a replication.

On Oct 16, 2025, petitioner number 3 Nirmal Singh, and Petitioner number 4 Saraj Singh, appeared in person and recorded their statements regarding withdrawing their election petition. On the same day i.e. 16th

October 2025, the Returning Officer/Respondent no.6 was instructed to submit a more concise reply. On Nov 11, 2025, concise replies were submitted by the Returning Officer. On Nov 18, 2025, a replication was submitted by the petitioners and following issues were framed.

ISSUES

1)Whether the present petition is maintainable in the present form ?OPP

2)Whether the allegations leveled by in the petition are correct ?OPP

3)Whether the nomination papers of the petitioners were illegally and arbitrarily rejected ?OPR

4)Whether the petitioners were entitled to contest the elections /OPP

5)Relief.

My issue vise findings is given below:

Issue no.1

The onus to prove said issue lies upon the petitioners. The petitioners also submitted written arguments and re-iterated the entire version as pleaded in the main petition. The petitioners have also filed replications to the written statement filed by the respondents, converting the plea raised by them in the written statement.

It is important to mention here that on December 02, 2025, due to the newly appointed SDM, Ferozepur, being under training, and keeping in view the directions of the Hon'ble Punjab and Haryana High Court, the case was transferred via endorsement number Peshi/2025/678 dated Dec 04, 2025 to the Court of SDM Zira. The Returning Officer Respondent No.6 and B.D.P.O Ghall Khurd were called to produce the Original Record on December, 18, 2025. On January,8,2026 after perusing the original records relating to the nomination papers, the statement of Returning Officer and B.D.P.O Ghall Khurd was recorded as below:

RECORDING OF OFFICIAL STATEMENTS (Dated January 8, 2026):

Statement of Arvinder Singh, Returning Officer:

"It is stated that I have appeared before the Hon'ble Court with the records related to the nomination papers in the election petition of Village Saidan Wala, which has been filed by Gurwinder Kaur etc. Photocopies of the petitioners' nomination papers have already been submitted by me in the Hon'ble Court on 11.11.2025. The nomination papers of petitioner Gurwinder Kaur were rejected based on a report by the B.D.P.O. Ghall Khurd, vide his letter no. 3506 dated 05.10.2024, stating that some area of the common land (Shamlat) of Gram Panchayat Village Saidan Wala has been illegally encroached upon. Whereas, the nomination papers of the remaining petitioners were rejected on the basis of several other deficiencies found in addition to the above-mentioned reason. Regarding these deficiencies, I had recorded a detailed report on the nomination papers."

Statement of Sarabjit Singh, B.D.P.O., Ghall Khurd:

"It is stated that I have appeared in the Court with the office copy of letter number 3506 dated 05.10.2024 regarding the official record in the election petition of Village Saidan Wala filed by Gurwinder Kaur etc. According to this letter, a report was sent to Returning Officer No.10, Block Ghall Khurd, stating that the candidates, Gurwinder Kaur etc., have illegally encroached upon some area of the common land (Shamlat) of Gram Panchayat Village Saidan Wala. There is no entry in the records regarding which specific area of the common land has been encroached upon by the candidates, nor is any such record found to be available in the office. I have submitted the photocopy of the office copy of the said letter."

Thus, keeping in view of the specific statement of BDPO Sarabjit Singh, my findings on issue no.1 are returned in favour of the petitioners and the petition is duly maintainable in its present form.

ISSUE NO.2

In view of the findings on issue no.1, my findings on issue no.2 are also returned in favour of the petitioners and the allegations in the petition qua the wrong rejection of nomination papers of Gurwinder Kaur for the post of Sarpanch have been duly proved by the petitioners.

ISSUE NO.3

The respondent no.5 has failed to prove that the nomination papers of Gurwinder Kaur have been rightly rejected by leading any evidence or by producing any documentary proof. Thus, it is apparently clear that the nomination papers of the petitioners have been illegally rejected. Moreover, the petitioners have submitted written arguments and the said submissions have been duly supported with the law points applicable to the case of the petitioner Gurwinder Kaur, such as Surendra Nath Khosla vs Dalip Singh AIR 1957 Supreme Court 242, 1957 SCC 137, 1957 PLJ 249, 1957 KER LT 319, 1957 SCR 179, 1957 SCJ 162 and Kameng Dolo vs Atum Welly on 9 May, 2017 Equivalent citations: AIR 2017 SUPREME COURT 2859, 2017 (7) SCC 512, AIR 2017 SC (CIVIL) 1970, (2017) 5 MAD LJ 168, (2018) 1 MPLJ 103, (2017) 5 ANDHLD 38, (2017) 2 RECCIVR 1006, (2017) 124 CUT LT 601, (2018) 1 MAH LJ 22, (2017) 6 SCALE 100, (2017) 3 GAU LT 1, (2017) 2 CLR 365 (SC), 2017 (3) KLT SN 29 (SC), 2017 (4) KCCR SN 513 (SC), 2018, 2 BOM CR 69 and the said authorities duly applicable to the case of the petitioner Gurwinder Kaur.

ISSUE NO.4

The findings of the said issues duly returned in favour of the petitioner Gurwinder Kaur and against the respondent no.5.

ISSUE NO.5

RELIEF

In view of the aforesaid facts as stated supra and original record has also been perused by me and after perusing the original records relating to the nomination papers recorded herein before, the nomination papers of **petitioner no.2 Tarlochan Singh** were rejected due to his proposer Sukhpreet Kaur not mentioned her booth number and ward number and the said petitioner was not from ward no.3, but has applied for the post of ward no.3 and has not mentioned his serial number. His proposer Manjit Singh son of Harbans Singh was not from ward no.3 but was from ward no.1 and having serial no.22.

The nomination paper of **petitioner no. 5 Charanjit Kaur** were rejected due to ward Number not mentioned in nomination papers.

The nomination paper of **petitioner no. 6 Lakhwinder Kaur** was rejected due to signature of Proposer Jatinder Singh were not available on the form of nominations.

The nomination paper of **petitioner no. 7 Jasleen Kau**r were rejected due to Signature of Candidate not available on Annexure 1.

The nomination papers of **Petitioner no. 2,5,6,7** were rejected on a genuine cause of rejection by the Returning Officer under the section 38 of THE PUNJAB STATE ELECTION COMMISSION ACT, 1994. The provisions of the said section 38 are reproduced below:

Section 38. Presentation of nomination paper and requirements for a valid nomination.

(1)On or before the date appointed under clause (a) of section 35, each candidate shall, either in person or by his proposer, between the hours of eleven O'clock in the forenoon and three O'clock in the afternoon deliver to the Returning Officer at the place specified in this behalf in the notice issued under Section 36, a nomination paper completed in the prescribed form and signed by the candidate and by an elector of the constituency as proposer: Provided that no nomination paper shall be delivered to the Returning Officer on a day which is a public holiday.(2)In a constituency where any seat is reserved, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular caste of which he is a member and the area in relation to which that caste is a Schedule Caste of the State.(3)Where the candidate is a person who, having held any office referred to in clause (j) of section 11 has been dismissed and a period of four years has not elapsed since the dismissal, such person shall not be deemed to be duly nominated as a candidate unless his nomination paper is accompanied by a certificate issued in the prescribed manner by the Election Commission to the effect that he has not been dismissed for corruption or disloyalty to the State.(4)On the presentation of nomination paper, the Returning Officer shall satisfy himself that the names and electoral roll numbers of the candidates and his proposer as entered in the nomination paper are the same as those entered in the electoral rolls:Provided that no misnomer or inaccurate description or clerical or technical or printing error in regard to the name of the candidate or his proposer or any other person, or in regard to any place, mentioned in the electoral roll or the nomination paper and no clerical or technical or printing error in regard to the electoral rolls numbers of any such person in the electoral roll or the nomination paper, shall affect the full operation of the electoral roll or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as to be commonly understood; and the Returning Officer shall permit any such misnomer or inaccurate description or clerical or technical or printing error to be corrected and where necessary, direct that any such misnomer, inaccurate description, clerical or technical or printing error in the electoral roll or in the nomination paper shall be overlooked.(5)Nothing in this section shall prevent any candidate from being nominated by more than one nomination paper :Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the Returning Officer for election in the same constituency.

Thus in view of the aforesaid legal proposition of law, the Petition of Respondent No. 2,5,6,7 qua their relief is dismissed.

Keeping in view the facts present by the counsels and after perusing the original records relating to the nomination papers of Petitioner Gurwinder Kaur recorded herein before, as per record and statement of Arvinder Singh, Principal... cum-Returning Officer, the nomination papers of petitioner Gurwinder Kaur were rejected on the basis of a report by B.D.P.O. Ghall Khurd vide letter no.3506 dated 05.10.2024 regarding illegal encroachment on the common land (Shamlat) of Gram Panchayat Village Saidan Wala. As per statement of Sarabjit Singh, B.D.P.O. Ghall Khurd, it was stated through the issued letter number 3506 dated 05.10.2024 that petitioner Gurwinder Kaur etc. have an illegal encroachment on the common land of the Gram Panchayat, but B.D.P.O Ghall Khurd could not produce any evidence or official record regarding this illegal encroachment in this Court and he stated that there is no record in his office regarding illegal encroachment of Petitioner Gurwinder Kaur on Shamlat Land. Even Respondent No. 5, Gurmeet Kaur, has been unable to establish the factum of the Petitioner's possession over the *Shamlat* land in her reply.

" Consequently, it is proven that the nomination papers of petitioner Gurwinder Kaur have been wrongly rejected on the ground of alleged illegal encroachment of Petitioner Gurwinder Kauron Shamlat Land. Thus, the

order of the Returning Officer for rejecting the nomination paper of Gurwinder Kaur is hereby declared illegal, void and arbitrary. The election of the returned candidate for the post of Sarpanch, Village Saidan Wala, is hereby SET ASIDE under Section 89(1)(c) of the Punjab State Election Commission Act, 1994, on the grounds of improper rejection of a nomination.

Sd/-
Sub Divisional Magistrate,
Zira

The 8th January, 2026

3752/6-2026/Pb. Govt. Press, S.A.S. Nagar